

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 111th Congress¹**

[Date approved: July 15, 2010]²

Bill No. and sponsor: S. 2526 (Ms. Maria Cantwell of Washington).

Proponent name,³ location: Outdoor Industry Association, Boulder, CO.

Other bills on product (111th Congress only): None.

Nature of bill: Extension of temporary duty suspension through December 31, 2011.⁴

Retroactive effect: None.

Suggested article description(s) for enactment (including appropriate HTS subheading(s)):

Women's footwear (except vulcanized footwear and footwear with waterproof molded bottoms, including bottoms comprising an outer sole and all or part of the upper), valued over \$23/pair, covering the ankle, whose height from the bottom of the outer sole to the top of the upper does not exceed 8 inches (20.32 cm), such footwear designed to be worn in lieu of, but not over, other footwear as a protection against water, oil, grease or chemicals or cold or inclement weather where such protection includes protection against water that is imparted by the use of a coated or laminated textile fabric (provided for in subheading 6404.19.20).

Check one: ☒ Same as that in bill as introduced.
 ☐ Different from that in bill as introduced (see Technical comments section).

Product information, including uses/applications and source(s) of imports:

The bill covers women's footwear designed for rugged outdoor activities such as hiking and trail running. Trail running shoes have nobbier, stiffer soles and are generally more rigid and protective than road running shoes. Under the duty suspension heading that expired at the end of 2009 (9902.23.82), the subject footwear must be valued at over \$23/pair and have uppers of coated or laminated textile fabrics. China is the leading supplier of these imports.

¹ Industry analyst preparing report: Laura Rodriguez (202-205-3499); Tariff Affairs contact: Jan Summers (202-205-2605).

² Access to an electronic copy of this memorandum is available at http://www.usitc.gov/tariff_affairs/congress_reports/.

³ The sponsor and proponent stated there are more than 10 beneficiaries (numerous retailers and suppliers) of this bill.

⁴ Heading 9902.23.82 had afforded duty-free entry upon proper claim to the subject footwear through the end of 2009.

Estimated effect on customs revenue for the subject product classifiable in HTS subheading 6404.19.20:

	2010	2011	2012	2013	2014
Col. 1-General rate of duty	37.5%	37.5%	37.5%	37.5%	37.5%
Estimated value <i>dutiable</i> imports ^a	\$635,000	\$654,000	\$675,000	\$695,000	\$715,000
Customs revenue loss ^b	\$238,125	\$245,250	\$253,125	\$260,625	\$268,125

a/ Source of estimated dutiable import data: Commission estimates based on trade data provided by the U.S. Department of Commerce and industry representatives.

b/ At the request of Congress, customs revenue loss is provided for 5 years, although the effective period of the proposed legislation may differ.

Contacts with domestic firms/organizations (including the proponent):

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
Outdoor Industry Association (Proponent) Alex Boian, 303-444-3353	12/01/2009	No	Yes	No
American Apparel and Footwear Association Nate Herman, Vice President, 703-797-9062	12/01/2009	No	Yes	No
Columbia Sportswear Jeff Tooze, 503-985-4039	12/17/2009	No	Yes	No
Footwear Retailers and Distributors of America Matt Priest, 202-737-5660	11/30/2009	No	Yes	No
Marmot Mountain LLC Laura Miera, 707-544-4590	12/17/2009	No	Yes	No
Rubber and Plastic Footwear Manufacturers Assn. Mitchell J. Cooper, 202-331-1858	11/30/2009	No	No	No
VF Corporation/North Face Rafferty Jackson, 510-614-4088	1/05/2010	No	No	No
W.L. Gore & Associates Mike Ratchford, 302-292-4147	1/07/2010	No	No	No

Technical comments:⁵ None.

⁵ The Commission may express an opinion on the HTS classification of a product to facilitate consideration of the bill. However, by law, only the U.S. Customs Service is authorized to issue a binding ruling on this matter. The Commission believes that the U.S. Customs Service should be consulted prior to enactment of the bill.

111TH CONGRESS
1ST SESSION

S. 2526

To extend and modify the temporary suspension of duty on certain women's footwear, valued over \$23/pair, covering the ankle, whose height from the bottom of the outer sole to the top of the upper does not exceed 8 inches, with a coated or laminated textile fabric.

IN THE SENATE OF THE UNITED STATES

OCTOBER 30, 2009

Ms. CANTWELL introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To extend and modify the temporary suspension of duty on certain women's footwear, valued over \$23/pair, covering the ankle, whose height from the bottom of the outer sole to the top of the upper does not exceed 8 inches, with a coated or laminated textile fabric.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. CERTAIN WOMEN'S FOOTWEAR, VALUED OVER**
 2 **\$23/PAIR, COVERING THE ANKLE, WHOSE**
 3 **HEIGHT FROM THE BOTTOM OF THE OUTER**
 4 **SOLE TO THE TOP OF THE UPPER DOES NOT**
 5 **EXCEED 8 INCHES, WITH A COATED OR LAMI-**
 6 **NATED TEXTILE FABRIC.**

7 (a) IN GENERAL.—Heading 9902.23.82 of the Har-
 8 monized Tariff Schedule of the United States (relating to
 9 certain women's footwear, valued over \$23/pair, covering
 10 the ankle, whose height from the bottom of the outer sole
 11 to the top of the upper does not exceed 8 inches, with
 12 a coated or laminated textile fabric) is amended—

13 (1) by striking “\$20/pair” and inserting “\$23/
 14 pair”; and

15 (2) by striking the date in the effective column
 16 period and inserting “12/31/2011”.

17 (b) EFFECTIVE DATE.—The amendment made by
 18 subsection (a) applies to goods entered, or withdrawn from
 19 warehouse for consumption, on or after the 15th day after
 20 the date of the enactment of this Act.

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